

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

MARC VEASEY, ET AL.,)	CASE NO: 2:13-CV-00193
)	
Plaintiffs,)	CIVIL
)	
vs.)	Corpus Christi, Texas
)	
RICK PERRY, ET AL.,)	Wednesday, August 10, 2016
)	
Defendants.)	(8:33 a.m. to 9:40 a .m.)

TELEPHONIC STATUS CONFERENCE

BEFORE THE HONORABLE NELVA GONZALES RAMOS,
UNITED STATES DISTRICT JUDGE

Appearances:	See Next Page
Court Recorder:	Genay Rogan
Clerk:	Brandy Cortez
Court Security Officer:	Adolph Castillo
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1 to provide input; and third, that Plaintiffs can seek to
2 address this Court if significant problems arise.

3 Thank you, your Honor.

4 **THE COURT:** All right. Anyone else speaking from any
5 of the Plaintiffs here?

6 **(No audible response)**

7 If not, I'm going to -- is it, Ms. Colmenero, are you
8 taking the lead or Mr. Frederick?

9 **MS. COLMENERO:** Your Honor, this is Angela Colmenero.
10 I will be responding to this point on behalf of the State
11 Defendants.

12 **THE COURT:** Okay, you can proceed.

13 **MS. COLMENERO:** Thank you.

14 Let me first start off with saying that effective and
15 meaningful voter education and election official training are
16 extremely important to the State Defendants. The only question
17 that education and training are essential during any election
18 cycles, but the State recognizes that this particular election
19 cycle is unique, given the new procedures that will be
20 implemented on this Court's forthcoming order, which include
21 the introduction of the reasonable impediment declaration in
22 the next few months before the 2016 November general election.

23 This is precisely why the Secretary of State Office
24 has developed a voter education campaign that is far more
25 expansive than anything the State has done in the past.

1 Indeed, the Secretary of State has dedicated slightly more than
2 \$2.5 million to spend in the next three months before the 2016
3 November general election.

4 **THE COURT:** So the plan is already in place? We have
5 some specifics?

6 **MS. COLMENERO:** Your Honor, the State started
7 preparing for the November general election in terms of getting
8 vendors to be the -- an engagement of the PR firm, as well as
9 the advertising firm, to help the State develop a mass media
10 campaign message to educate voters about the November -- the
11 changes that perhaps were pending in the November general
12 election. So -- and that is what the State reports in its
13 August 5th filing.

14 So while the parties have made great strides to reach
15 an agreement on the terms in the interim remedy order, the
16 State Defendants object to the language proposed by the
17 Plaintiffs regarding voter education and election worker
18 training for two reasons.

19 First, the language that the Plaintiffs put in their
20 proposed submission is vague and undefined, as we've already
21 said. They want the Court to include a requirement that the
22 parties meet and confer and allow them meaningful input into
23 what we intend to do.

24 **THE COURT:** Okay, let me just ask, because it's a
25 little confusing. I can't tell if you all have already met and

1 conferred about what specifically the Defendant State of Texas
2 here is planning to do. That wasn't clear to me. Have you
3 all --

4 **MS. PEREZ:** We have not, your Honor.

5 **THE COURT:** Okay --

6 **MS. PEREZ:** We have not. We have not seen any --

7 **THE COURT:** Wait, wait, wait, wait. Wait. I'm
8 talking to Ms. Colmenero.

9 Correct?

10 **MS. COLMENERO:** That's correct, your Honor. Let me
11 be clear. During the meet and confer process we did provide
12 the Plaintiffs with the different media channels that we
13 intended to use for the voter education campaign that we --
14 that are part of the contract that the State has with its
15 public relations firm and its advertising firm. In terms of
16 the specific complaints that the Plaintiffs have raised today,
17 that is the first time that we are hearing about that.

18 **THE COURT:** Okay, well then this doesn't work,
19 Counsel. I mean I ordered you all to meet and confer. So
20 we're just now talking about things on the day of the hearing.
21 That's not a good thing. Right?

22 **MS. PEREZ:** (Indiscernible)

23 **THE COURT:** But you can proceed, Ms. Colmenero.

24 **MS. COLMENERO:** Your Honor, if I may clarify a couple
25 of points too regarding the concerns the Plaintiffs have raised

1 regarding the website.

2 Several of those issues where they claim that there
3 were deficient notices on the website have, in fact, been
4 updated overnight. This is a fluid process the State is
5 undergoing in terms of the tax ratification elections that are
6 occurring on a weekly basis and we're trying to adjust our
7 processes and the Court has been very patient with us with the
8 entry of the Temporary Remedial Orders. And as those Orders
9 have been coming out, for example, the one last night, the
10 State was updating its website overnight, and those pages that
11 the Plaintiffs have pointed out as being deficient are, in
12 fact, now updated.

13 **THE COURT:** Okay, but that's just an example, though,
14 if you all were just to sit and visit that could probably be
15 taken care of. Right?

16 **MS. COLMENERO:** Your Honor, we agree. We would like
17 the Plaintiffs to provide us with specific issues, which we
18 have provided them, you know, what the State's plan was, but
19 this is the first time we're hearing about any type of other
20 deficiencies that are out there that perhaps the State could
21 correct.

22 **THE COURT:** Okay. What else?

23 **MS. PEREZ:** May I respond, your Honor?

24 **THE COURT:** No, not yet. It's not your turn. Right?
25 Ms. Colmenero's speaking.

1 **MS. COLMENERO:** Your Honor, may I continue?

2 **THE COURT:** Yes.

3 **MS. COLMENERO:** Okay. So as I was saying, Defendants
4 object to the inclusion of the meet and confer requirement, as
5 well as the meaningful input requirement, because the
6 Defendants want clear and definable terms in the Court's orders
7 to provide them confidence that they are, in fact, complying
8 with the Court's order.

9 **THE COURT:** But I can't do that with some vague
10 details of a possible plan or that you all might do this or
11 that and the other. I expect you all are going to have to
12 provide the Court a lot of the details that Plaintiffs are kind
13 of requesting. Right?

14 **MS. COLMENERO:** Well, and, your Honor, in terms of
15 the August 15th filing that the State is required to provide to
16 this Court, we can provide some additional specifics. But our
17 concern is that what I heard the Plaintiffs to say is that they
18 basically want us to lay out what in our mind is a three-month
19 plan for voter education and produce it to them within five
20 days.

21 **THE COURT:** But here's the problem here. What I'm
22 hearing the Plaintiffs say is "X" -- well, and this goes back
23 to the point that you all haven't sat and conferred about this.
24 Right?

25 **MS. COLMENERO:** Your Honor, the focus of the parties'

1 meet and confer, to be fair, was really focused on the
2 implementation of the reasonable impediment affidavit. The
3 parties didn't progress very far in terms of voter education,
4 given the timetables that we were faced with.

5 **THE COURT:** I know, but I think I told you all to
6 confer about everything. Right? So you all could have just
7 told the Court you know what, Court, we actually need a little
8 bit more time because we're not finished with this aspect of
9 it. Right? I've been very flexible with you guys because I
10 know you all are working hard.

11 **MS. COLMENERO:** Yes, your Honor, and we do appreciate
12 that, and the parties did not progress very far down the voter
13 education and outreach issues --

14 **THE COURT:** But it's not closed. I mean you all just
15 didn't get there because you all didn't have enough time or you
16 all didn't get there because nobody wants to get there?

17 **MS. COLMENERO:** We provided them details and we never
18 heard a response to those details. So we never heard kind of a
19 counter proposal by the Plaintiffs and so -- and that just
20 happened right before the deadline before the Court required us
21 to file the Joint Submission of Agreed Terms.

22 But I think some of the -- from the State's
23 standpoint, I think our concerns from what the Plaintiffs are
24 requesting or from what we just heard today is they're
25 essentially going to force us to take a three-month contract

1 that we have with our vendors and produce it in five days and
2 the State does need flexibility to execute our concept with our
3 vendors and we need flexibility to improve contact, because
4 it's a fluid process in terms of as how we get --

5 **THE COURT:** And I agree with that, but at some point,
6 and not just the Plaintiffs, the Court needs to know the
7 details of what you all are doing --

8 **MS. COLMENERO:** Well --

9 **THE COURT:** -- (indiscernible)

10 **MS. COLMENERO:** And, your Honor, I think what we were
11 waiting on at our end was obviously the implementation of the
12 Court's Order setting forth the interim remedies and at that
13 point we then know what message to provide to the voters.
14 Because constantly updating our website in terms of trying to
15 keep the temporary status of things, we didn't want to create
16 more confusion.

17 **THE COURT:** I understand that, but it's something
18 that we all need to sit and visit about together about what's
19 best and not just allow, you know, the State to go and do what
20 they think is right and appropriate. I mean the Court's
21 obligated to know the details, the Plaintiffs need to know the
22 details.

23 So I mean maybe what I do is I enter the joint
24 submission as an order and we continue to work on education and
25 training, which will be ongoing up until, you know, the

1 election, I'm assuming.

2 **MS. COLMENERO:** Your Honor, I think the terms set
3 forth in the Joint Submission of Agreed Terms, and specifically
4 the requirement set forth in Paragraphs 10 through 12, are
5 appropriate. The State agrees with those. And so I think the
6 process your Honor set out is something that we would be okay
7 with.

8 **THE COURT:** Okay. Anything else from the Defense at
9 this time before I let Ms. Perez respond?

10 **MS. COLMENERO:** Well, I think --

11 **THE COURT:** Let's just finish up this issue and then
12 we can move to the additional terms that the State was
13 requesting.

14 **MS. COLMENERO:** Your Honor, that's all from the State
15 Defendants at this time.

16 **THE COURT:** Okay then, Ms. Perez?

17 **MS. PEREZ:** Thank you, your Honor. I would note a
18 few things. The kind of information that Plaintiffs were given
19 looked very, very similar to the kind of bare boned
20 insufficient information that was put in front of the Court on
21 the August 5th filing. There is no mechanism for the Court or
22 the Plaintiffs to be able to assess from that what is going to
23 be -- whether or not the materials produced and accorded to
24 those five channels is accurate, done under what timetable, or
25 is going to be adequate. And it is for this reason that we

1 have been specifically requesting in advance an understanding
2 of what purportedly Texas intends to do.

3 I would encourage the Court to review this morning
4 the website that I -- that we took screen shots on yesterday.
5 I feel very confident in saying that the Court would not find
6 the modifications that have been made adequate. There are
7 couple of notations about changes that are happening in very
8 small elections involving a couple of thousand of people, but
9 even the language, when Texas was alerted about it as to, you
10 know, Shelby County abrogating all pending litigation, et
11 cetera, et cetera, has not been modified. Whatever updates
12 they made last night, after being told in many ways
13 (indiscernible) this issue has been raised before the Court, is
14 not up to task.

15 We are interested in providing our input, but we
16 believe that without the help of the Court we're constantly
17 going to be coming back to the Court saying we didn't get
18 enough details to know.

19 **THE COURT:** Well, you might be, but if you don't --

20 **MS. PEREZ:** We were not able to get that.

21 **THE COURT:** You might be going to come back to the
22 Court, but it didn't sound like you all really conferred in the
23 first place. Right?

24 **MS. PEREZ:** We certainly -- certainly we made an
25 effort to try and get the kind of info that we needed in order